

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT ARKANSAS

AO _____ Order Regarding Motion for Sentence Reduction

NOV 16 2023

UNITED STATES DISTRICT COURT

Eastern

District of

TAMMISH DOWNS, CLERK

By: _____

DEP CLERK

UNITED STATES OF AMERICA

ORDER REGARDING MOTION FOR SENTENCE
REDUCTION PURSUANT TO 18 U.S.C. § 3582(c)(2)
based on USSG 821

V.

Hernandez, Jose

Case Number: 4:19-cr-00314-01-JJV

USM Number: 80637-208

Date of Original Judgment:

8/12/2019

(Or Date of Last Amended Judgment)

Sonia Fonticiella

Defendant's Attorney at Sentencing

Upon motion of ☐ the defendant ☐ the Director of the Bureau of Prisons ☒ the court
under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline
sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing
Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

IT IS ORDERED that the motion is:

☐ DENIED.

☒ GRANTED and the defendant's previously imposed sentence of imprisonment of
8 months is reduced to 5 months.

I. COURT DETERMINATION OF GUIDELINE RANGE

Previous Offense Level(Prior to

Departure/Variance/Rule 35): 4Amended Offense Level: 4Criminal History Category: VCriminal History Category: IVPrevious Guideline Range: 4 to 10 monthsAmended Guideline Range: 2 to 8 months

II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

☒ The reduced sentence is within the amended guideline range.

☐ The original term of imprisonment imposed was less than the guideline range applicable to the defendant
at the time of sentencing and the reduced sentence is below the amended guideline range.

☐ Other (specify) _____.

III. FURTHER EXPLANATION (e.g., recommendations to the Bureau of Prisons) (if necessary)

Sentence is consecutive to sentence in E.D. Ark. Case No. 4:18-CR-00094-BSM

Except as provided above, all provisions of the judgment dated 8/12/2019 shall remain in effect.

IT IS SO ORDERED.

11/16/2023
Order Date

February 1, 2024
Effective Date (if delayed)

[Signature]
Signature of Judge
U.S. Magistrate Judge Joe J. Volpe
Name and Title of Judge